Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

REMARKS/ARGUMENTS

In the last Office Action, claims 1, 2, 4-7, 9, 11-13, 16, 17, 19-22, 24, 26-28, 31, 32, 34-37, 39, and 41-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kulik (5,661,653) in view of Chou et al. (6,035,289). Claims 3, 8 18, 23, 33 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kulik (5,661,653) in view of Chou (6,035,289) in further view of Mattioli, J.r (6,286,009). Finally, claims 14, 29 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kulik (5,661,653) in view of Chou et al (6,035,289) and further in view of Schwartz et al. (6,462,286).

The rejections were predicated on Kulik disclosing certain limitations associated with independent claims 1, 16, and 31. In general, it is alleged that Kulik discloses templates that are used for interpreting rate sheets. Applicant respectfully submits that the Kulik does not disclose certain limitations associated with the independent claims since the "templates" disclosed by Kulik are different from the limitations recited in the present claims.

Rather than amend the claims, claims 1-45 are cancelled and new claims 46-83 are presented. Applicant submits that the present claims are patentable over the above references as discussed below.

The Kulik Reference

In order to understand why the Kulik reference is deficient with respect to anticipating certain limitations in the independent claims, an explanation of the Kulik reference is in order.

The Kulik reference pertains to a mailing system that determines the postage associated with a mail piece. Kulik allows a user to "define a custom template, specifying classes and break point parameters for controlling shifts between classes." (Kulik, col. 4, lines 48-51.)

Basically, a mailing system allocates a postage rate based on various parameters, such as the weight of the mailpiece and a class of service. Typically, the mailing system allocates postage based on a standard rate table. Kulik discloses how the user can configure the mailing

Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

system to allocate postage based on a custom (user defined) rate table. Kulik provides an

example (col. 7) as to what this means. Table I from Kulik is reproduced below:

TABLE 1

WEIGHT	CLASSA	CLASSB	CLASSC	CLASSD
weight1	rateA1	rateB1	rateC1	rateD1
weight2	rateA2	rateB2	rateC2	rateD2
weight3	rateA3	rateB3	rateC3	rateD3
weight4	rateA4	rateB4	rateC4	rateD4
weight5	rateA5	rateB5	rateC5	rateD5
weight6	rateA6	rateB6	rateC6	rateD6

Table 1 illustrates that there are 6 weight classes – weight1 through weight6. Further,
there are four different classes of service (CLASS A – CLASS D). Focusing on CLASS A
service, mail up to "weight1" is associated with a postage amount of "rateA1." For mail that
weighs more than weight1 and up to weight2, the "rateA2" amount applies.

Kulick now discloses a second table which is a "custome rates template." (Col. 7, line
47.) This table is shown below:

TABLE 2

WEIGHT	CLASS	MEANING
weight2	class A	process all mail up to weight2 as class A
weight4	class B	process all mail up to weight4 as class B
weight6	class C	process all mail up to weight6 as class C

The text of Kulik explains how the custom rate tables is interpreted:

In the illustrated example, the user selects class A for mail of a weight up to unit 2. The user selects class B for mail of a weight from 2 up to 4, and The user selects class C for mail of a weight from 4 up to 6. In the simplified example, the break points between classes correspond to break points within the classes. However, the user may select arbitrary break points, that bear no specific relationship to any limits defined within specific classes. For example, the middle weight break point in TABLE 3 could be weight4.2. (Kulik, col. 7, lines 59-63.)

Kulik indicates that "after input of the template, the custom rate processor interacts with the rates manager as outlined above, to develop a custom rates rate table corresponding to the template. In the current example, this results in a custom rates table as forth in TABLE 3 below: (Col. 8, lines 1-5.)

TABLE 3

WEIGHT	CUSTOM CLASS	MEANING
weight1	rateA1	class A rate for weight1
weight2	rateA2	class A rate for weight2
weight3	rateB3	class B rate for weight3
weight4	rateB4	class B rate for weight4
weight5	rateC5	class C rate for weight5
weight6	rateC6	class C rate for weight6

In summary, Kulik discloses that a **standard rates table** can be modified using a **custom template** to produce a **custom rate table**.

The custom template in Kulik is used to <u>redefine</u> the standard rate table so produce a custom rate table. Kulik <u>presumes</u> that the mailing system knows how to interpret the standard rate table. Specifically, Kulik discloses that the "rates manager 25 contains rate table corresponding to the postage rates for all classes of mail, as published by the postal authority...."(Col. 5, lines 33-35.) Further, Kulik states "if the postal authority changes the rates for any of the classes, the postal authority provides information to update the rate table in the rates manager 25 in the normal manner." (Col. 10, lines 5-8.) Thus, Kulik presumes the system

Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

is able, in some manner, to receive a new rate table and process it. Kulik *does not address how
the standard postage rate table is interpreted.*

Kulik is directed to a mailing system which determines a postage rate determined from a
"standard postage rate table." (Col. 10, claim 1.) Because there is only one standard postage rate
table to interpret, the problem of determining which format to use does not exist. There is only
one format that is appropriate for interpreting the rate table. Because there is only one table,
there is no question as to how the table is interpreted.

Second, the "template" disclosed in Kulik is not used to interpret the standard rate table,
but is used to form a custom rate table based on the standard rate table. The "template" in Kulik
restructures the existing standard rate table. In summary, the "template" in Kulick *does not
indicate to the system how to read the standard postage table,* but rather, *how the standard rate
table should be applied to generate a custom rate table.*

Kulik discloses a "mail processor"

The "mail processor" of Kulik is not analogous to the freight rate manager of the present
system. First, Kulik is designed for processing mail streams (Abstract). This involves
determination of postage for mailpieces of different classes. (Col. 2, lines 61-62.) References to
"mail" and "postage" throughout the specification limits the system to processing items by the
U.S. postal service. As it is well known, there are no competing "mail" services. While other
common carriers or shippers are allowed to operate for delivery of packages and freight, they are
precluded by the U.S. government from putting themselves out as a "mail" service provider or
providing "mail service." Such common carriers are known as package delivery services,
shipping companies, trucking companies, freight forwarders, etc, but they are not known as the
"postal service" or the "mail service."

This is significant because a "mail processing system" only has to use a <u>single rate chart</u>
– the U.S. postal rates - for determining postage for a mail piece. While the postal rate chart

Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

defines different classes and weights and their associated postage, only a single rate sheet is involved.

In contrast, the present invention is directed to determining freight charges for shipping "goods." (See generally, Specification, page 7.) "Goods" are not limited to envelopes and small packages, but encompasses any article of commerce. Thus, there are numerous providers of freight carriers. In fact, certain "goods" are precluded from being shipped by the U.S. postal service based on size or weight restrictions, but can be sent by other freight shippers. The number of regional and national package carriers, trucking companies, and freight haulers are numerous. Each of these carriers determines their own rates, and defines a rate sheet reflecting their rates. Further, as expected, the various rate sheets can have various structures or formats.

One embodiment of the present invention is a system able to determine shipping costs from various shippers. In order to do so, the present system accommodates rate sheets from a plurality of shipping companies. (See page 33.) In order to accomplish this, "[t]he templates are preferably generated by analyzing typical rate sheets and identifying standard formats. In one embodiment, specialized templates are generated for the rate sheets of major shipping companies." (Specification, page 37, paragraph 102.) Without the corresponding template, it is not clear how a given rate sheet is to be interpreted.

Because multiple rate sheets from various service providers are involved, this presents the problem of how to interpret the various rate sheets. One embodiment of the present invention is selecting a template for interpreting a rate sheet, which has its own structure. In the Kulik reference, there is only one service provider – the U.S. postal service – which involves only a single rate sheet – e.g., "standard published postage rate information." ("The rating information supplied by the rates manager 25 and stored in the custom rates rate tables 35 is standard published postage rate information." Col. 6, lines 45-48.)

Kulik does not disclose how the postal rates are interpreted. Rather, it states that "if the postal authority changes the rates, the postal authority provides information to update the rate table in the rates manager in the normal manner." (Col. 10, lines 5-8.) Presumably, because there is only one rate sheet, its structure can be 'hardcoded' into the system disclosed by Kulik.

13 of 15

Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

Claim 46 of the Present Application

Claim 46, which was based on claim 1, recites:

A system for determining a freight charge, comprising:

a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies freight rates and each rate sheet is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving a rate sheet associated with a freight carrier and structured according to a one of the plurality of formats;

a rate sheet analyzer module adapted to interface with a template storage module for storing a plurality of templates, wherein one of the plurality of templates is adapted to interpret the received rate sheet, the rate sheet analyzer module selecting the one of the plurality of templates to interpret the rate sheet; and

a rule generation module calculating the freight charge associated with the freight carrier using the one of the plurality of templates and the received rate sheet.

Claim 46 recites a system for determining freight rates by using a template to interpret a particular rate sheet, wherein the rate sheet is structured according to one of the various formats. The appropriate template to interpret the rate sheet can be based on a keyword in the rate sheet (e.g., see dependent claim 50). This embodiment of the invention allows differently structured rate sheets from different freight carriers to be interpreted by the shipping system for purposes of calculating a freight charge.

The Kulik reference presumes a standard postage rate table, with no suggestion of selecting from multiple postage rate tables. Thus, Kulick does not disclose a plurality of rate sheets. Rather, because Kulick processes postage rates, only one rate table is processed. Furthermore, with only one rate table, which intrinsically is structured according to a single

14 of 15

Appl. No.: 09/939,206
Amdt. dated 08/05/2005
Reply to Office action of April 6, 2005

format, Kulik does not disclose a plurality of rate tables, nor where the rate tables are "structured according to one of a plurality of formats." Nor does Kulik disclose a plurality of templates used to interpret a specific rate table, as the templates in Kulik are for deriving custom rate tables.

<div align="center">CONCLUSION</div>

Because Kulik does not disclose the above limitations, it cannot by itself anticipate the claims, nor does it render obvious the claim limitations when combined with the other references identified in the previous office action. It is respectfully submitted that the present claims are patentable over the cited references, and allowance of all claims is requested.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.
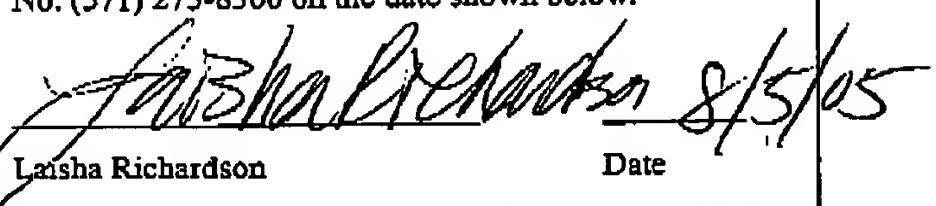
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